



McDaniel
36804-081604

***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 16, 2004
2:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

1. Call to Order – Roll Call. (Council Member Lea was absent.)

The Invocation was delivered by The Reverend David Walton, Pastor, Belmont Presbyterian Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

Meetings of Roanoke City Council are televised live on RVTV Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, August 19, 2004, at 7:00 p.m., and Saturday, August 21, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

ANNOUNCEMENTS:

THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.

THE CITY CLERK'S OFFICE PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.

ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.

ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT WWW.ROANOKEGOV.COM, TO OBTAIN AN APPLICATION.

2. PRESENTATIONS AND ACKNOWLEDGEMENTS:

Proclamation declaring Friday, August 27, 2004, as Hokie Pride Day.

File #3

Presentation by Downtown Roanoke, Inc. David Diaz, Executive Director, Spokesperson. (Sponsored by the City Manager.)

File #80-277

3.

CONSENT AGENDA

Approved (6-0)

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.

- C-1 Minutes of the regular meeting of Council held on Monday, June 21, 2004.

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Mayor C. Nelson Harris requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.
File #110-132**

- C-3 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.
File #2-132**

- C-4 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

**RECOMMENDED ACTION: Concur in the request.
File #2-132**

- C-5 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #2-132

- C-6 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #2-132

- C-7 A communication from the City Manager requesting that Council convene in a Closed Meeting to discuss disposition of publicly-owned property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #2-132

- C-8 A communication from Council Member Brian J. Wishneff requesting that Council convene in a Closed Meeting to discuss acquisition of real property for public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, pursuant to Section 2.2-3711 (A)(3), Code of Virginia (1950), as amended.

RECOMMENDED ACTION: Concur in the request.
File #2-132

C-9

Qualification of the following persons:

William F. Clark as a member of the Towing Advisory Board for a term ending June 30, 2007; and

M. Rupert Cutler as a member of the Roanoke Valley Area Metropolitan Planning Organization, to fill the unexpired term of William D. Bestpitch, ending June 30, 2005.

RECOMMENDED ACTION: Receive and file.

Approved (6-0)

File #110-200-543

REGULAR AGENDA

4. PUBLIC HEARINGS: NONE.

5. PETITIONS AND COMMUNICATIONS:

- a. Request to present cost collection results for fiscal year 2003-04. Donald S. Caldwell, Commonwealth Attorney, Spokesperson. (Sponsored by the City Manager.)

Received and filed.

File #60-133

- b. Recommendation from the Commonwealth Attorney for acceptance of Multi-Jurisdictional Special Drug Prosecutor grant funds, in the amount of \$87,917.00; and a communication from the City Manager concurring in the recommendation.

Adopted Budget Ordinance No. 36804-081604 and Resolution No. 36805-081604. (6-0)

File #60-133-236

- c. Recommendation from the Commonwealth Attorney for appropriation of Forfeited Criminal Assets funds, to continue criminal law enforcement efforts; and a communication from the City Manager concurring in the recommendation.

**Adopted Budget Ordinance No. 36806-081604. (6-0)
File #60-133**

6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS:

- Employee Development – 15 minutes
- Family Medical Leave Act – 10 minutes
(Requested by Council Member Wishneff)

File #184

ITEMS RECOMMENDED FOR ACTION:

1. Appropriation and transfer of funds in connection with the Dale Avenue and Vernon Street Intersection Improvements project.

**Adopted Budget Ordinance No. 36807-081604. (6-0)
File #60-514**

2. Execution of Amendment No. 2 to the 2002-03 CDBG and HOME Agreement with the Roanoke Redevelopment and Housing Authority.

**Adopted Resolution No. 36808-081604. (6-0)
File #178-200-236**

3. Execution of Amendment No. 2 to the 2002-03 CDBG and HOME Agreement with the Blue Ridge Housing Development Corporation.

Adopted Resolution No. 36809-081604. (6-0)
File #178-200-236

4. Execution of the 2004-05 CDBG Subgrant agreement with Business Seed Capital, Inc.

Adopted Resolution No. 36810-081604. (6-0)
File #200-236

5. Execution of an amendment to the 2003-04 Consolidated Plan Annual Update to allow use of CDBG funds for reimbursement to Blue Ridge Housing Development Corporation for the cost of a property intended for the Southeast Healthcare Center.

Adopted Resolution No. 36811-081604. (6-0)
File #178-200-236

6. Execution of an agreement with the Roanoke City Public Schools to lease space at 107 Church Avenue, S. W., for operation of the C.I.T.Y. School Program for a period of five years, with one five-year renewal option.

Adopted Ordinance No. 36812-081604. (6-0)
File #166-373-467

7. Authorization for an additional permanent computer support position in the Department of Technology to provide computer support to the Roanoke City Public School System and to the Western Virginia Water Authority, and appropriation of funds.

Adopted Budget Ordinance No. 36813-081604. (6-0)
File #60-301-467-468

b. CITY ATTORNEY:

1. Proposed ordinance conforming City regulations relating to paintball guns to new requirements in the Code of Virginia.

**Adopted Ordinance No. 36814-081604. (6-0)
File #24-137**

c. DIRECTOR OF FINANCE:

1. Financial Report for the month of June 2004, including CMERP balance.

**Received and filed.
File #10**

7. REPORTS OF COMMITTEES:

- a. Request of the Roanoke City School Board for appropriation and transfer of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

**Adopted Budget Ordinance No. 36815-081604. (6-0)
File #60-467**

- b. Request of the Roanoke City School Board that a resolution be adopted indicating that the City will participate in the 2004 Interest Rate Subsidy Program Bond Issue, in connection with the Lincoln Terrace project; and that Council schedule a public hearing for Tuesday, September 7, 2004, at 2:00 p.m., or as soon thereafter as the matter may be heard.

**Adopted Resolution No. 36816-081604. (6-0)
File #53-467**

8. UNFINISHED BUSINESS: NONE.

9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

10. MOTIONS AND MISCELLANEOUS BUSINESS:

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.

Council Member Dowe commended participation by Virginia Tech and the City of Roanoke in the Emerging Leaders Workshop which was recently held at The Hotel Roanoke and Conference Center and was attended by top African-American students from historically black colleges and universities throughout the country. He also commended the City of Roanoke on its recruitment efforts during the workshop.

File #184-202

Council Member Wishneff expressed appreciation to the Roanoke City School Board for committing to increase the amount of funds allocated for school safety.

File #5-467

Vice-Mayor Fitzpatrick requested that the Commissioner of the Revenue be encouraged to use the City's new branding image on 2005 City of Roanoke vehicle decals. The Mayor advised that he would communicate the request of Council.

File #20-106

- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

11. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

Ms. Pat Lawson, 1618 Riverside Terrace, S. E., requested that Council appoint Ms. Alice Hincker to the Stadium Study Committee.

File #110-122

12. CITY MANAGER COMMENTS: NONE.

CERTIFICATION OF CLOSED SESSION. (6-0)

Appointed Patricia Cronise and Richard Kepley as members of the Stadium Study Committee.

File #110-122

THE COUNCIL MEETING WAS DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.



***ROANOKE CITY COUNCIL
REGULAR SESSION***

***AUGUST 16, 2004
7:00 P.M.***

CITY COUNCIL CHAMBER

AGENDA

Call to Order -- Roll Call. (Council Member Lea was absent.)

The Invocation was delivered by Council Member Alfred T. Dowe, Jr.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor C. Nelson Harris.

Welcome. Mayor Harris.

NOTICE:

The Council meeting will be televised live on RVTN Channel 3 to be replayed on Thursday, August 19, 2004, at 7:00 p.m., and Saturday, August 21, 2004, at 4:00 p.m. Council meetings are offered with closed captioning for the hearing impaired.

PRESENTATIONS AND ACKNOWLEDGEMENTS: NONE.

A. PUBLIC HEARINGS:

1. Request of C. Douglas and Ana P. Corbin to permanently vacate, discontinue and close the southernmost portions of Thyme, Linden and Pink Streets, S. E., at their intersections with Ivy Street. Daniel F. Layman, Jr., Attorney.

**Adopted Ordinance No. 36817-081604. (6-0)
File #514**

2. Request of Hollins Road Church of the Brethren, Doris P. Fitzgerald, John H. and Melba W. Burleson, to permanently vacate, discontinue and close an alley located between the 800 blocks of Palmer Avenue and Liberty Road, N. E. Doug Noell, Spokesperson.

**Adopted Ordinance No. 36818-081604. (6-0)
File #514**

3. Request of 2123 Crystal Spring Avenue, LLC, that proffered conditions presently binding upon a tract of land located at 2123 Crystal Spring Avenue, S. W., identified as Official Tax No. 1050514, as set forth in Ordinance No. 34734-040300, be repealed and replaced with new proffered conditions. Ray Craighead, Craighead & Associates, Spokesperson.

**Adopted Ordinance No. 36819-081604. (6-0)
File #51**

4. Request of Roanoke Gas Company that a portion of Kimball Avenue, N. E., right-of-way bounded on the east by Official Tax No. 3015009, on the south by Official Tax No. 3015001, and extending from the northwest corner of Official Tax No. 3015009, be permanently vacated, discontinued and closed. John D'Orazio, Chief Operations Officer, Spokesperson.

**Adopted Ordinance No. 36820-081604. (6-0)
File #514**

5. Amendment of Vision 2001–2020, the City’s Comprehensive Plan, to include the Williamson Road Area Plan. R. Brian Townsend, Agent, City Planning Commission.

**Tabled until Monday, October 18, 2004, at 7:00 p.m.
File #200–424**

Council Member Cutler left the meeting.

6. Request of the City of Roanoke that a tract of land located at the intersection of Orange Avenue and Blue Hills Drive, N. E., designated as Official Tax No. 7160113, be rezoned from LM, Light Manufacturing District, to C–2, General Commercial District, subject to certain conditions proffered by the petitioner. R. Brian Townsend, Agent, City Planning Commission, Spokesperson.

**Adopted Ordinance No. 36821–081604. (6–0)
File #51**

7. Adoption of an agreement between the City of Roanoke and the County of Roanoke authorizing relocation of portions of boundary lines located along Berkley Road, Underhill Avenue, and at the intersection of Draper Road and Old Rocky Mount Road. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36822–081604. (6–0)
File #444**

8. Comments with regard to the proposed Solid Waste Management Plan. Darlene L. Burcham, City Manager.

**(No action was taken.)
File #27–468**

9. Encroachment of an awning at a height of 10 feet above the sidewalks and extending 42 inches into the public right-of-way at 16 Campbell Avenue, S. W. Darlene L. Burcham, City Manager.

**Adopted Ordinance No. 36823–081604. (6–0)
File #169**

B. HEARING OF CITIZENS UPON PUBLIC MATTERS:

CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.

**Mr. Bill McClure, 542 Walnut Avenue, S. W., expressed concern that citizens were not afforded the opportunity to provide input with regard to the City's proposed geographic policing policy.
File #5-467**

**Mr. Chris Craft, 1501 East Gate Avenue, N. E., expressed concern that no member of the Stadium Study Committee is under the age of 40; therefore, he requested that Council appoint one person to the committee who is 35 years of age or younger.
File #110-122**

**Mr. E. Duane Howard, 508 Walnut Avenue, S. W., expressed concern with regard to operation of the Police Department, lack of confidence in the Chief of Police, and administration of the School Resource Officer program.
File #5-467**

**Ms. Helen E. Davis, 35 Patton Avenue, N. E., advised that the heart of any city is its employees who are responsible for the day to day operation and expressed concern with regard to retaliation against Roanoke City employees who speak out. She requested that the City Manager be held accountable and that Council support City employees.
File #5-184-467**

**Ms. Alice P. Hincker, 4024 South Lake Drive, S. W., requested that the School Resource Officer program retain its special unit status with Sergeant Manuel Bocanegra as Supervisor and coordinator of the program.
File #5-467**

Mr. Paul Holt, III, 1305 Burks Street, S. W., expressed concern with regard to the City's proposed geographic policing policy. He advised that the job of Council is to be accountable to the citizens of the City of Roanoke.

File #5-467

Ms. Theresa Gill-Walker, 2807 Ordway Drive, N. W., spoke with regard to the proposed methadone clinic on Hershberger Road, N. W., and expressed concern relative to the amount of damage that a methadone clinic, which is not properly operated, can do to a community over a short period of time. She requested that the proposed methadone clinic be located in a more confined and controlled area.

File #66-76

Mr. Robert Gravely, 729 Loudon Avenue, N. W., advised that there appears to be a lack of concern for Roanoke's citizens inasmuch as the City has no agenda for the people, for the City's work force and for education. He expressed concern with regard to the overall deterioration of the inner city and the lack of affordable housing.

File #66-178